

UNAPPROVED MINUTES

VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS MEETING MINUTES

The Virginia Board of Long Term Care Administrators convened for a board meeting on Monday, March 8, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

The following members were present:

Mary M. Smith, NHA, Chair
John Randolph Scott, NHA, Assisted Living Facility Administrator, Vice-Chair
Kathleen R. Fletcher, MSN
Martha H. Hunt, Assisted Living Facility Administrator
Thomas J. Orsini, NHA
Bertha Simmons, NHA, Assisted Living Facility Administrator

The following members were absent:

Ted A. LeNeave, NHA
Gracie Bowers

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Sandra Whitley Ryals, Agency Director
Elaine Yeatts, Senior Policy Analyst
Charles Giles, Budget Manager
Missy Currier, Administrative Assistant

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 6 members present, a quorum was established.

Guests Present:

Dana Parsons, VANHA
Beverley Sobel, VHCA
Judy Hackler, VALA
Judy McGreal, DSS
Beverly Morgan, DBHDS
Amy Powell, The Geriatric Mental Health Planning Partnership
Stephen Herrick, Ph.D., M.S.H.A., The Geriatric Mental Health Planning Partnership
Dr. Neal Kauder, President of VisualResearch, Inc.

Kim Langston, Research Analyst, VisualResearch, Inc.

CALLED TO ORDER

Ms. Smith, Chair, called the Board meeting to order at 9:35a.m.

PUBLIC COMMENT PERIOD

There was no public comment.

ORDERING OF AGENDA

The AIT requirements for minimum timeframe for completion was deleted from the agenda. The Agenda was accepted as amended.

ACCEPTANCE OF MINUTES

Upon a motion by Ms. Fletcher and properly seconded by Ms. Hunt, the Board voted to accept the following minutes of the meetings:

- Minutes of Board Meeting – December 1, 2009

The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Licensee Statistics

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 65 nursing home administrators in training, 56 assisted living facility administrators in training, 588 assisted living facility administrators, 127 assisted living facility preceptors; 786 nursing home administrators and 225 nursing home preceptors.

Virginia Performs

On behalf of Mrs. Ryals, Ms. Hahn reported the clearance rate for the Quarter ending December 31, 2009 was 56%. Ms. Hahn explained that this percentage is determined by how many cases are received versus how many cases the board is able to close. During this quarter we received 18 cases and closed 10. The age of our pending case load over 250 days is at 0% which means we were able to close all cases within 250 days and therefore achieved a 100% rating. The customer satisfaction rating achieved was 100% as well. Ms. Hahn attributed the excellent ratings to the wonderful job her staff is doing for the board and thanked them for doing a job well done. She mentioned that Missy Currier was the Licensing Specialist for the Board of Long Term Care. Ms Hahn also introduced Ann Artis, Licensing

Operations Manager and Rai Minor, Discipline Operations Manager for all three boards. She expressed her appreciation and hard work of all of her staff including; Holly Manke, Jeanette Meade and Kathy Truesdale who help in various capacities and provide back up assistance to the Board of LTC.

Discipline Statistics

Ms. Hahn reported there are currently 50 open cases, 10 times the amount the board had 13 months prior. Additionally, 6 of the cases are in the probable cause level, 2 are in APD, 2 are at the informal stage, 1 is at the OAG, and 1 is at the formal stage. She anticipates the number of cases to trend upward.

Ms. Hahn further explained that the increase in hours being charged to the board from investigations is a huge cause for concern. She reported the number of hours billed from investigations has increased from 191 hours in the year 2007; 491 hours in 2008; 501 in 2009; to already 1262 hours in 2010.

Ms. Hahn mentioned that she will be meeting with members from Investigations to discuss ways of streamlining cases while ensuring that we meet the needs of protecting the public.

Ms. Hahn concluded the discussion by suggesting we invite Investigators to attend the next board meeting to answer questions and discuss issues about cases.

Budget

Ms. Hahn presented the board with the budget information as of January 31, 2010. She stated that the cash balance as of June 30, 2009 was \$16,929; the year to date revenue was \$30,230; the direct and allocated expenditures totaled \$271,737, and the cash balance as of January 31, 2010 was \$ (224,579). She stated the current cost figures regarding Enforcement are 295.48% over the estimated budget. Ms. Hahn further stated that an increase in fees would be necessary to meet the deficit and that later in the meeting Charles Giles would present budget projections for the next 4 years.

OTHER

Ms. Hahn shared that in Phase II of the Advancing Excellence in America's Nursing Home Campaign, Virginia is ahead of the national average with Virginia at 45.7 % membership versus 39.5% nationally. Ms. Hahn provided the members handouts with additional information regarding the program.

Ms. Hahn expressed that she and her staff are looking forward to a field trip hosted by board member, Randy Scott at St. Mary's Woods facility on Friday, March 12th. They plan on hearing about administration, admission process, nursing, pastoral issues and activities and rehabilitation issues involved in operating a facility.

2010 Calendar

Ms. Hahn stated the next board meetings are scheduled for June 1, September 15, and December 7, 2010.

AGENCY DIRECTOR'S REPORT – Ms. Sandra Whitley Ryals

Virginia Performs

Ms. Ryals shared that the Agency continues to do achieve outstanding Key Performance results.

Virginia Economy

Ms. Ryals reminded members that a cash transfer will take place this fiscal year to help cover a deficit in the General Fund and that it should not impact the Agency. She stated that board members will continue to receive reimbursement for travel expenses and that no changes have been made regarding per diem compensation.

NEW BUSINESS

Amy Powell, NHA and Steve Herrick, Ph.D. gave a presentation on the Geriatric Mental Health Planning Partnership which was formed in 2007. The Partnership consists of a network of organizations and associations affiliated with the profession, who share a common goal of placing older adults with challenging behaviors at the level of care that is appropriate to their needs.

Ms. Powell and Dr. Herrick suggested that one way to achieve their goal was by educating Administrators. They proposed including an 8 hour training segment to the current Domains of Practice as part of the AIT program. Although the board shared the enthusiasm and agreed the program would be highly beneficial in understanding the issues, they suggested that more structured information be provided regarding the training program. The Board also suggested that the Partnership send out mailings to current licensed Preceptors about the program.

The Board recessed for a 5 minute break at 10:40 a.m.

Sanctioning Reference Point Study Presentation – Dr. Neil Kauder, President, and Kim Langston of VisualResearch, Inc.

Mr. Kauder presented the board with a revised draft copy of the Sanctioning Reference Point Study Interim Report and gave an overview of the purpose and use of the information. He explained that the sanction reference worksheet is to be used as a guideline during Informal Fact Finding Conferences only and not for tier one level cases or formal hearings. It was again noted that the worksheet may progressively change as the case load history for Assisted Living Facility Administrators increases.

The board made one modification to the Sanctioning Reference Points Worksheet draft. Upon a motion by Mr. Scott and properly seconded by Mr. Orsini, the board voted to adopt the Sanction Reference Points Manual as amended as a new guidance document.

The motion passed unanimously.

Provisional Licensed Facilities:

Mr. Scott led discussion regarding applicants performing their AIT training in facilities holding provisional or targeted licenses. His concern is with the training being done in a sub-standard facility. After much discussion it was decided that it was unacceptable for an Administrator in Training to complete the program in a facility holding a Provisional License.

Upon a motion by Mr. Scott and properly seconded by Mr. Orsini, the board voted to disallow an Administrator in Training from conducting their training in a Provisionally licensed facility by the Department of Social Services or a targeted Nursing Home Facility by the Department of Health.

The members voting yes were Ms. Smith, Mr. Scott, Ms. Hunt, Ms. Fletcher, Mr. Orsini.

The member opposed was Ms. Simmons.

The vote passed by a majority of 5 to 1.

Temporary Unlicensed ALF Administrators

Mr. Scott shared his concern about repeated AIT applicants already being registered with DSS as the Facility Administrator without being licensed. The board invited Ms. McGreal from the Department of Social Services (DSS) to join the table for discussion. Ms. Hahn concluded the discussion by stating the board would continue to alert DSS when they become aware of an unlicensed registered Administrator and if necessary, issue a pre-hearing consent order.

Preceptor Directory

The Board agreed with Ms. Hahn's suggestion to offer a voluntary selection on next year's renewal letter asking Preceptors if they would like to be listed on a public directory.

Revenue and Expenditure Analysis – Charles Giles

Mr. Giles presented the Board with an overview of the projected revenue, expenditures and cash balances for FY10 through FY14. He stated that in order to prevent a shortfall, the board will have to take action by increasing fees.

Upon a motion by Ms. Fletcher and properly seconded by Ms. Simmons, the Board voted to adopt the NOIRA to increase fees.

The motion passed unanimously.

Mr. Orsini was absent from the vote.

Legislative/Regulatory Report – Elaine Yeatts

Ms. Yeatts gave a brief overview of all proposed legislation including; HB173; HB267; HB286; HB662; HB964; HJ90; SJ80; HJ124; SB13; SB194; and SB275.

Ms. Yeatts also shared HJR No. 90 which is requesting the Department of Health Professions to study the advisability of permitting the use of medication aides in nursing homes. Ms. Yeatts will keep the board updated on the study.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 12:20 p.m.

Mary Smith, NHA, Chair

Lisa R. Hahn, Executive Director

Date

Date